

## REMARKS

Applicants' request favorable reconsideration of the subject application in view of the preceding amendments and the following remarks.

Claims 1-6, 10, 12-14, and 17-21 are pending in the application, with claims 1, 10, 13, 14, and 17-21 being independent. By this amendment, claims 1, 5, 10, 13, 14, 17, and 18 have been amended, claim 11 has been cancelled without prejudice or disclaimer, and claims 19-21 are newly added. Support for the amendments and for the new claims can be found in the application, as originally filed. For example, support for the amendments to claim 1 may be found at least at page 10, lines 1-7, and page 12, lines 13-19, of the specification; support for the amendments to claim 5 may be found at least at page 9, lines 24-27, of the specification; and support for new claims 19-21 may be found at least at page 10, line 1, to page 12, line 19, of the specification. No new matter has been added.

As a result of the Office Action, claims 1-6, 13, and 14 stand rejected under 35 U.S.C. § 102 (Section 102) as anticipated by U.S. Patent No. 5,748,773 (Tashiro et al.). Claims 10, 11, 17, and 18 also stand rejected under Section 102, as anticipated by U.S. Patent No. 6,151,136 (Takemoto). Claim 12 stands rejected under 35 U.S.C. § 103 (Section 103) as unpatentable over the combination of Takemoto in view of Tashiro et al. Applicants traverse these rejections.

According to an aspect of Applicants' invention, independent claim 1 now recites an image processing method of forming a histogram of an original image, setting an image processing condition in accordance with the formed histogram, and performing image

processing for the original image. The method includes judging from a shape of the formed histogram whether the original image is an image picture and, if it is judged that the original image is not an image picture, determining not to perform color fogging correction for the original image.

In other aspects, independent claim 13 recites an image processing apparatus that generally corresponds to the method of claim 1, and independent claim 14 recites a computer readable storage medium storing program steps that generally correspond to the steps of the method of claim 1.

In another aspect of Applicants' invention, independent claim 10 now recites an image processing method of performing an image correction process in accordance with a highlight point and a shadow point of an original image. The method features forming a histogram of hue of the original image, judging from a shape of the formed histogram of hue whether the original image is subjected to the image correction process, and controlling the image correction process in accordance with a judged result. The dispersed values of the histogram of hue are obtained and whether the image correction process is performed is judged from the dispersed values.

In other aspects, independent claim 17 recites an image processing apparatus that generally corresponds to the method of claim 10, and independent claim 18 recites a computer readable storage medium storing programs steps that generally correspond to the steps of the method of claim 10.

In a further aspect of Applicants' invention, new independent claim 19 recites an image processing method of forming a histogram of an original image, setting an image

processing condition in accordance with the formed histogram, and performing image processing for the original image. The method features the steps of judging from a shape of the formed histogram whether the original image is an image picture, and, if it is judged that the original image is not an image picture, determining not to perform exposure correction for the original image.

In other aspects, new independent claim 20 recites an image processing apparatus that generally corresponds to the method of claim 19, and new independent claim 21 recites a computer readable storage medium storing programs steps that generally correspond to the steps of the method of claim 19.

Applicants submit that many of these features are not taught or suggested by the cited patents.

Tashiro et al. relates to an image processing apparatus in which a histogram of electrical signals representing an original is formed, a kind of original is discriminated from the information of the formed histogram, and density correction according to the kind of original is then performed.

Takemoto relates to a color transforming method. According to the preferred embodiment of that patent, a histogram concerning hue is formed, and an image is analyzed based on the histogram. Only a necessary portion is compressed in color gamut compression, and optimum color gamut compression can be performed without deteriorating color reproducibility.

However, nowhere is Tashiro et al. or Takemoto understood to teach or suggest judging from a shape of a formed histogram whether the original image is an image picture and,

if it is judged that the original image is not an image picture, making a determination not to perform color fogging correction for the original image, as recited in independent claims 1, 13, and 14.

Moreover, neither of those patents are understood to teach or suggest obtaining dispersed values of a histogram of hue and judging from the dispersed values whether an image correction process is performed, as recited in independent claims 10, 17, and 18. While Takemoto is understood to discuss that a threshold for the frequency of a hue histogram is used, see, col. 7, lines 41-49, this is not understood to teach or suggest using the dispersed values of the histogram.

Accordingly, Applicants request reconsideration and withdrawal of the Section 102 rejections of claims 1, 10, 13, 14, 17, and 18.

Newly added independent claims 19-21 also are submitted to be patentable over Tashiro et al. and Takemoto. Specifically, neither of those patents are understood to teach or suggest at least judging from a shape of a formed histogram whether an original image is an image picture, and if it judged that the original image is not an image picture, determining not to perform exposure correction for the original image.

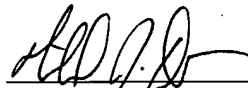
For the foregoing reasons, Applicants submit that independent claims 1, 10, 13, 14, and 17-21 recite features that patentably define Applicants' invention over the cited patents. Reconsideration and withdrawal of the outstanding rejections are requested.

The remaining claims depend from one of the independent claims. These dependent claims are submitted to be allowable by virtue of their dependency, and for reciting other patentable features of Applicants' invention. Favorable and independent consideration of the dependent claims are requested.

Applicants' submit that this application is in condition for allowance. Favorable reconsideration and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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